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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 ANDREW JEFFERSON,

9 Petitioner,

2:16-cv-00434-APG-NJK

10 vs.

**ORDER**

11 BRIAN E. WILLIAMS, SR., *et al.*,

12 Respondents.  
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15 This action is a petition for writ of habeas corpus by Nevada prisoner Andrew Jefferson.  
16 Jefferson initiated this case on February 29, 2016. On that date, Jefferson filed an application to  
17 proceed *in forma pauperis* (ECF No. 1), along with his habeas petition (attached to application  
18 to proceed *in forma pauperis*), and a motion for appointment of counsel (ECF No. 2). On  
19 March 9, 2016, the court denied Jefferson's application to proceed *in forma pauperis* (ECF No. 3).  
20 On April 5, 2016, Jefferson paid the filing fee (ECF No. 4).

21 The Court has reviewed Jefferson's petition, pursuant to Rule 4 of the Rules Governing  
22 Section 2254 Cases in the United States District Courts, and determines that it merits service upon  
23 respondents.

24 Jefferson has filed a motion for appointment of counsel (ECF No. 2). "Indigent state  
25 prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the  
26 circumstances of a particular case indicate that appointed counsel is necessary to prevent due

1 process violations.” *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986) (citing *Kreiling v. Field*,  
2 431 F.2d 638, 640 (9th Cir.1970) (per curiam). The court may, however, appoint counsel at any  
3 stage of the proceedings “if the interests of justice so require.” See 18 U.S.C. § 3006A; see also,  
4 Rule 8(c), Rules Governing Section 2254 Cases; *Chaney*, 801 F.2d at 1196. The record in this case  
5 reflects that appointment of counsel is not warranted.

6 **IT IS THEREFORE ORDERED** that petitioner’s motion for appointment of counsel  
7 (ECF No. 2) is **DENIED**.

8 **IT IS FURTHER ORDERED** that the Clerk of the Court shall separately file the petition  
9 for writ of habeas corpus (attached to the application to proceed *in forma pauperis*, at ECF  
10 No. 1).

11 **IT IS FURTHER ORDERED** that the Clerk of the Court shall add Adam Paul Laxalt,  
12 Attorney General of the State of Nevada, as counsel for respondents.

13 **IT IS FURTHER ORDERED** that the Clerk of the Court shall electronically serve upon  
14 respondents a copy of the petition for writ of habeas corpus and a copy of this order.

15 **IT IS FURTHER ORDERED** that respondents shall have **60 days** from the date of entry of  
16 this order to appear in this action, and to answer or otherwise respond to the petition.

17 **IT IS FURTHER ORDERED** that if respondents file an answer, petitioner shall have 60  
18 days from the date on which the answer is served on him to file and serve a reply. If respondents file  
19 a motion to dismiss, petitioner shall have 60 days from the date on which the motion is served on  
20 him to file and serve a response to the motion to dismiss, and respondents shall, thereafter, have 30  
21 days to file a reply in support of the motion.

22 Dated: April 7, 2016.

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26 UNITED STATES DISTRICT JUDGE